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EXAMINER

BOTTS, MICHAEL K

ART UNIT PAPER NUMBER

2176

DATE MAILED: 04/07/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	Application No. 09/883,805	Applicant(s) BROWNE ET AL.	
	Examiner Michael K. Botts	Art Unit 2176	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 06 January 2006.
- 2a) ☒ This action is **FINAL**.                      2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-8 and 10-17 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-8 and 10-17 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 18 June 2001 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
     Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
     Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \*    c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- |   |   |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)             | 4) <input type="checkbox"/> Interview Summary (PTO-413)                     |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)    | Paper No(s)/Mail Date. _____  |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| Paper No(s)/Mail Date _____   | 6) <input type="checkbox"/> Other: _____                                    |

### DETAILED ACTION

1. This document is a Final Office Action on the merits. This action is responsive to the following communications: Amendment and Request for Reconsideration, which was filed on January 6, 2006
2. Applicants' attention is directed to the fact that a new examiner has been assigned to this case. The Examiner's name and telephone number are provided below.
3. Claims 1-8 and 10-17 are pending, with claims 1, 8, and 10 being the independent claims.
4. Claims 1-4, 8, 10 and 12 are currently amended.
5. Claims 1-8 and 10-17 remain rejected.

### ***Claims Rejection – 35 U.S.C. 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

6. **Claims 1-8 and 10-17** remain rejected under 35 U.S.C. 103(a) as being unpatentable over Excel 2000, screenshots pages 1-16 and additional screenshots pages 1-5, Microsoft, released 1999 [hereinafter "Excel"].

Regarding **independent claim 1**, Excel teaches receiving a user command to generate in pages 2-9. The user can import the data externally as shown in the screenshots, or the user can manually input the data. Excel teaches determining whether pre-existing data is to be imported and determining where the pre-existing data is located into the list in pages 2-9. If the user selects "Get External Data" from the Data menu, then the user is selecting obtain pre-existing data. The user selects then selects the location of the pre-existing data. Excel teaches creating a list in a worksheet in the spreadsheet program in pages 7 and 8. The data can be inputted manually and then selected by the user to indicate the list. Excel teaches performing a second sequence, comprising the step of defining a plurality of fields in the list, each field comprising a plurality of characteristics in pages 3-8. Excel teaches performing a third sequence comprising the step of creating the list in the spreadsheet program, such that each field in each record is logically associated to every other field in the record in pages 7-15. The example sorting demonstrates that the cells in the list are linked horizontally and maintain row integrity throughout the sorts performed on the various columns. Thus, the cells are logically associated with the members cells in the other fields. In the additional Excel screen captures pages 2-5, the help file indicates that lists created in Excel can act as simple databases wherein the row is a record and each column is a specific field. These definitions are explicitly shown in page 4 of the additional Excel screen captures. The original Excel screen captures pages 8-15 demonstrate that when the list is identified, Excel maintains a continuing association

Art Unit: 2176

between each field within each record such that each field remains associated with other fields within each record when the record is manipulated.

What Excel does not teach is making the list a List Object, thus creating a continuing association among fields of a record regardless of whether a user selects all of the fields within each record when manipulating records within the list and regardless of whether a user identifies the list. Excel does teach the creation and embedding of objects into a spreadsheet in page 16. In making the list an object, the list would have been permanently identified, thus creating a continuing association among fields of a record regardless of whether a user selects all of the fields within each record when manipulating records within the list and regardless of whether a user identifies the list. It would have been obvious to one of ordinary skill in the art at the time the invention was made to have combined the list creation properties of Excel with the object creation and embedding properties of Excel to have created the claimed invention. It would have been obvious and desirable to have created the list in the form of an object so that the list would have been easier to identify, manipulate and move about the spreadsheet.

Regarding **dependent claim 2**, Excel teaches determining whether the pre-existing data is located in a spreadsheet program worksheet, and using a user input range within the worksheet to identify the pre-existing data in page 8. Excel teaches opening a Query dialog box operable for receiving user commands to navigate to a location that contains the pre-existing data in page 2.

Regarding **dependent claim 3**, Excel teaches determining the location where to place the list in page 6.

Regarding **dependent claim 4**, Excel teaches wherein the location to place the list is selected from one of a new worksheet, or an existing worksheet in page 6.

Regarding **dependent claim 5**, Excel teaches wherein the step of defining the fields in the list comprises at least the steps of adding a new field, modifying a field, deleting a field, or altering at least one of the characteristics of a field in pages 3-5.

Regarding **dependent claim 6**, Excel does not teach making the list a List Object. Excel does teach the creation and embedding of objects into a spreadsheet in page 16. It would have been obvious to one of ordinary skill in the art at the time the invention was made to have combined the list creation properties of Excel with the object creation and embedding properties of Excel to have created the claimed invention. It would have been obvious to have created the list in the form of an object so that the list would have been easier to manipulate and move about the spreadsheet.

Regarding **dependent claim 7**, What Excel does not teach making the list a List Sheet. Excel does teach the creation and embedding of objects into a spreadsheet or into a separate page sheet in page 16. The object can be moved anywhere within the sheet to which it is embedded. An object forming a separate sheet is beneficial so that

Art Unit: 2176

it does not cover any cells of a spreadsheet page. It would have been obvious to one of ordinary skill in the art at the time the invention was made to have combined the list creation properties of Excel with the object creation and embedding properties of Excel to have created the claimed invention. It would have been obvious to have created the list in the form of an object List Sheet so that the list would have been easier to manipulate and not have covered any cells of the data sheet.

Regarding **independent claim 8**, Excel teaches displaying a dialog box operable for receiving user commands in pages 3-5. Excel teaches specifying the location within the spreadsheet wherein the list will be positioned in page 6. Excel teaches specifying the location of any pre-existing data that will populate the spreadsheet in page 6. Excel teaches displaying a dialog box operable for receiving user commands to define a plurality of options associated with each of the plurality of fields in the list in pages 3-5. Excel teaches displaying a dialog box operable for receiving user commands to save the plurality of options associated with each field in page 5. Excel teaches creating the list in a worksheet within the spreadsheet, such that each field in each record is logically associated to every other field in the record in pages 7-15. The example sorting demonstrates that the cells in the list are linked horizontally and maintain row integrity throughout the sorts performed on the various columns. Thus, the cells are logically associated with the members cells in the other fields. In the additional Excel screen captures pages 2-5, the help file indicates that lists created in Excel can act as simple databases wherein the row is a record and each column is a specific field. These

Art Unit: 2176

definitions are explicitly shown in page 4 of the additional Excel screen captures. The original Excel screen captures pages 8-15 demonstrate that when the list is identified, Excel maintains a continuing association between each field within each record such that each field remains associated with other fields within each record when the record is manipulated.

What Excel does not teach is making the list a List Object, thus creating a continuing association among fields of a record regardless of whether a user selects all of the fields within each record when manipulating records within the list. Excel does teach the creation and embedding of objects into a spreadsheet in page 16. In making the list an object, the list would have been permanently identified, thus creating a continuing association among fields of a record regardless of whether a user selects all of the fields within each record when manipulating records within the list. It would have been obvious to one of ordinary skill in the art at the time the invention was made to have combined the list creation properties of Excel with the object creation and embedding properties of Excel to have created the claimed invention. It would have been obvious and desirable to have created the list in the form of an object so that the list would have been easier to identify, manipulate and move about the spreadsheet.

**Independent claim 9** has been canceled.

Regarding **independent claim 10**, Excel teaches a first plurality of input elements operable for receiving user commands to determine a location of data to input



into the list in page 2. Excel teaches a second plurality of input elements operable for receiving user commands to determine the location where the list will be placed in the spreadsheet in page 6. Excel teaches a window for defining the fields in the list and a drop down menu operable for selecting a data type associated with each field defined in the window in pages 3-5. Excel teaches an "OK" button which is equivalent to a "FINISH" button for creating the list, such that each field in each record is logically associated to every other field in the record in pages 6-15. The Page 7 example sorting demonstrates that the cells in the list are linked horizontally and maintain row integrity throughout the sorts performed on the various columns. Thus, the cells are logically associated with the members cells in the other fields. In the additional Excel screen captures pages 2-5, the help file indicates that lists created in Excel can act as simple databases wherein the row is a record and each column is a specific field.

These definitions are explicitly shown in page 4 of the additional Excel screen captures. The original Excel screen captures pages 8-15 demonstrate that when the list is identified, Excel maintains a continuing association between each field within each record such that each field remains associated with other fields within each record when the record is manipulated. What Excel does not teach is making the list a List Object, thus creating a continuing association among fields of a record regardless of whether a user selects all of the fields within each record when manipulating records within the list or a field form box for receiving a field name for each field defined in the window. Excel does teach the creation and embedding of objects into a spreadsheet in page 16. In making the list an object, the list would have been permanently identified, thus creating

Art Unit: 2176

a continuing association among fields of a record regardless of whether a user selects all of the fields within each record when manipulating records within the list. A user labels the different fields in Excel by populating a header cell at the top of each field with a name for the field. It would have been obvious to one of ordinary skill in the art at the time the invention was made to have combined the list creation properties of Excel with the object creation and embedding properties of Excel and the field naming ability of Excel to have created the claimed invention. It would have been obvious and desirable to have named the fields so that the user would have known what the cell would have represented in each field. It would have been obvious and desirable to have created the list in the form of an object so that the list would have been easier to manipulate and move about the spreadsheet.

Regarding **dependent claim 11**, Excel teaches a first reference window for receiving user input to identify the location of data to import into the list external to the spreadsheet in pages 2-5. Excel teaches a second reference window for receiving user input to identify the location in the spreadsheet of the list in page 6.

What Excel does not teach is making the list a List Object. Excel does teach the creation and embedding of objects into a spreadsheet in page 16.

It would have been obvious to one of ordinary skill in the art at the time the invention was made to have combined the list creation properties of Excel with the object creation and embedding properties of Excel to have created the claimed invention. It would have

Art Unit: 2176

been obvious and desirable to have created the list in the form of an object so that the list would have been easier to manipulate and move about the spreadsheet.

Regarding **dependent claim 12**, Excel teaches a plurality of buttons operable for defining the fields in the list in pages 4-5. What Excel does not teach is making the list a List Object. Excel does teach the creation and embedding of objects into a spreadsheet in page 16. It would have been obvious to one of ordinary skill in the art at the time the invention was made to have combined the list creation properties of Excel with the object creation and embedding properties of Excel to have created the claimed invention. It would have been obvious and desirable to have created the list in the form of an object so that the list would have been easier to manipulate and move about the spreadsheet.

Regarding **dependent claim 13**, Excel does not specifically teach a plurality of buttons comprised from the group consisting essentially of an "Add" button, a "Modify" button, a "Delete" button and a "Setting" button. The plurality of buttons consisting essentially of an "Add" button, a "Modify" button, a "Delete" button, and a "setting" button are needed to generate and maintain the fields of a list. It would have been obvious to one of ordinary skill in the art at the time the invention was made to have modified Excel to have used a plurality of buttons comprised from the group consisting essentially of an "Add" button, a "Modify" button, a "Delete" button, and a "Setting" button to have assisted the user in creating the list in the spreadsheet.

Regarding **dependent claim 14**, Excel teaches a frame operable for defining the border of the list in page 8. Excel teaches in page 7-8 that a row selector may indicate a particular row of the list. Excel teaches in pages 7-8 a set of blank cells which may be used as a plurality of field headers operable for identifying the data fields in the plurality of records. Excel teaches a cell table operable for storing individual data fields in pages 7-8.

Regarding **dependent claim 15**, Excel teaches embedding an object into a spreadsheet in page 16. Objects in Excel become active when a constituent part of the object is active. Since Excel does not specifically teach the list object, Excel does not teach wherein the frame is active when an active cell is within the List Object. It would have been obvious to one of ordinary skill in the art at the time the invention was made to have combined the list creation properties of Excel with the object creation and embedding properties of Excel to have created the claimed invention. It would have been obvious and desirable to have created the list in the form of an object so that the list would have been easier to manipulate and move about the spreadsheet. The List Object would be active when a cell within the object is activated by the use.

Regarding **dependent claim 16**, Excel does not specifically teach wherein the field headers are ghosted out over the top of a spreadsheet column header when the field headers are scrolled off the spreadsheet. Excel does teach split panes so that field

Art Unit: 2176

headers may be viewed even when scrolled off the spreadsheet. It would have been obvious to one of ordinary skill in the art at the time the invention was made to have modified the list of Excel to have ghosted out the field headers over the top of a spreadsheet when the field headers are scrolled off the spreadsheet so that the user could maintain an identification of the data type in each column.

Regarding **dependent claim 17**, Excel teaches wherein the embedded data comprise an unused space around the cell table, the unused space expanding ms new records are inserted into the cell table, the unused space being operable for facilitating the insertion of new records and fields by maintaining a region between the frame and the cell table in pages 7-8.

### ***Response to Arguments***

Applicants' arguments filed January 6, 2006 regarding the rejection of claims 1-8 and 10-17 under 35 U.S.C. 103(a) has been fully considered but they are not persuasive. In addition, applicants' amendments to claims 1-4, 8, 18, and 12 have been considered, but the amendments do not place the claims in a condition for allowance.

Regarding **independent claim 1** and Applicants' argument that Excel does not appear to teach or suggest "receiving a user command to create the list:" Applicants

Art Unit: 2176

further argue that the specification identifies a "list" command as the user command. A "list" command is not claimed in claim 1.

Claim 1 identifies only a "user command." Excel teaches or suggests a "user command" when the drop down menu is invoked and, accordingly, the rejection is maintained.

Regarding **independent claim 1** and Applicants' argument that Excel does not appear to teach or suggest that if no pre-existing data is to be imported into the list, a worksheet is created in the electronic spreadsheet program: Excel provides for the creation of data in the worksheet to be imported to a list, and the limitation is met thereby. Accordingly, the rejection is maintained.

Regarding **independent claim 1** and Applicants' argument that Excel and the prior art do not teach an association between each field within each record such that each field remains associated with other fields within each record when the record is manipulated, regardless of whether a user selects all of the fields within each record when manipulating records within the list and regardless of whether a user identifies the list:

The Examiner believes that Excel does teach an object, which creates a continuing association between data regardless of whether a user selects all of the data and regardless of whether a user identifies the object. An example of an object that is taught by Excel is the chart object. The chart object maintains a permanent association

Art Unit: 2176

among the data points to present them on a chart. Thus, while a list as implemented in the prior art reference of Excel does require a user to identify the list in order to perform field manipulations within the list, an object as taught by Excel does not require the identification or selection by the user to maintain an association between the data contained in the object. The Examiner notes that additional screen pages 2-5 teach that the prior art Excel does recognize a list as a entity which has an association among the fields contained in the list. The Examiner believes the combination by one of ordinary skill in the art at the time of the invention of the prior art teaching of a list and the prior art teaching of an object as taught by Excel would have created a list object as is defined in independent claim three. The motivation to make the combination lies in the motivation to use objects, which is, at least in part, to simplify and improve the organization of data in the object. Another advantage of objects used in the prior art reference of Excel is that they maintain a continuing association among the data contained in the object. It is for at least these reasons the Examiner maintains the rejection of independent claim 1 as being obvious over Excel.

Regarding **independent claim 8** and Applicants' argument that Excel does not appear to teach or suggest a continuing association between each field within each record such that each field remains associated with other fields within each record when the record is manipulated:

The Examiner believes that Excel does teach an object, which creates a continuing association between data regardless of whether a user selects all of the data

Art Unit: 2176

and regardless of whether a user identifies the object. An example of an object that is taught by Excel is the chart object. The chart object maintains a permanent association among the data points to present them on a chart. Thus, while a list as implemented in the prior art reference of Excel does require a user to identify the list in order to perform field manipulations within the list, an object as taught by Excel does not require the identification or selection by the user to maintain an association between the data contained in the object. The Examiner notes that additional screen pages 2-5 teach that the prior art Excel does recognize a list as a entity which has an association among the fields contained in the list. The Examiner believes the combination by one of ordinary skill in the art at the time of the invention of the prior art teaching of a list and the prior art teaching of an object as taught by Excel would have created a list object as is defined in independent claim three. The motivation to make the combination lies in the motivation to use objects which in part is to simplify and improve the organization of data in the object. Another advantage of objects used in the prior art reference of Excel is that they maintain a continuing association among the data contained in the object. It is for at least these reasons the Examiner maintains the rejection of independent claim 1 as being obvious over Excel.

Regarding **independent claim 10** and Applicants' argument that Excel does not teach or suggest all of the recited functionality of Applicants' first, second, and third dialog boxes: The Examiner believes pages 4, 5, and 6 teach receiving user commands to define a plurality of options associated with each of the plurality of fields



Art Unit: 2176

in the list and receiving user commands to save the plurality of options associated with each field. Some of the plurality of options available to the user to select a delimiter between the fields, select the data format of the fields, or to adjust the width of the fields. The Examiner believes the dialog box shown on page 6 provides a button for creating and saving the list. It is for at least these reasons the Examiner maintains the rejection of independent claim 8 as being obvious over Excel.

Further regarding **independent claim 10** and Applicant's argument that Excel does not teach the second dialog box, the Examiner believes pages 3-5 of Excel teach the elements of this claimed feature. Some of the plurality of options available to the user are to select a delimiter between the fields, select the data format of the fields, or to adjust the width of the fields. A drop down list is a type of selection list and is known to one of ordinary skill in the art at the time of the invention. The advantage of a drop down list is to use only a small amount of space on the screen when a selection is not being made. A drop down list was a common graphical user interface element at the time of the invention.

Further regarding **independent claim 10** and Applicant's arguments that Excel does not teach the third dialog box, the Examiner believes page 6 of Excel teaches this claimed feature. The Examiner believes the dialog box shown on page 6 provides a button for creating and saving the list. It does not specifically show naming the list, but naming the list is an obvious teaching from Excel's disclosure of objects. Excel does

Art Unit: 2176

teach how to uniquely name an object. Thus, in making a list an object, Excel suggests to one of ordinary skill in the art that a list can be named when made as an object. It is for at least these reasons the Examiner maintains the rejection of independent claim 10 as being obvious over Excel.

Further regarding **independent claim 10** and Applicant's argument that Excel does not teach receiving user commands to determine the location of data to import into a list or receiving user commands to determine the location where the list will be placed in the spreadsheet, the Examiner believes the data selection and list placement are shown in fig. 2 and 6. The Examiner believes it would have been obvious to one of ordinary skill in the art at the time of the invention to have used a different number of dialog boxes to have improved the efficiency of the creation of the list.

In response to Applicants' comments that the dependent claims of independent claims 1, 8, and 10, would inherit patentability from their independent claims, it is noted that Examiner's maintenance of the rejection of independent claims 1, 8, and 10, is inherited by the dependent claims, and the rejections against the dependent claims remains for at least that reason.

***Conclusion***

**THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** for the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Michael K. Botts whose telephone number is 571-272-5533. The examiner can normally be reached on Monday Thru Friday 8:00-4:00 EST.

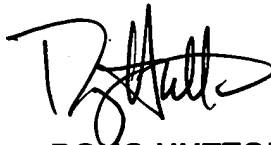
If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Heather Herndon can be reached on 571-272-4136. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only.

Art Unit: 2176

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MKB/mkb

A handwritten signature in black ink, appearing to read "Doug Hutton", with a stylized flourish at the end.

**DOUG HUTTON  
PRIMARY EXAMINER  
TECH CENTER 2100**